

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

PETE V. DOMENICI UNITED STATES COURTHOUSE
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ALBUQUERQUE, NEW MEXICO 87102
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JAMES O. BROWNING
District Judge

October 10, 2018

VIA CM/ECF

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Re: United States of America v. Kirby Cleveland, No. CR 17-965 JB

Counsel:

I want to bring one matter to your attention. I have, with my law clerks, reviewed the Judicial Code of Conduct and do not believe this matter requires me to recuse myself. I want, however, everyone to be fully informed about and fully comfortable with my participation in the case.

One of my new law clerks, Sarah Legault, who is assigned to work on this case, came to me and informed me that, from May 2014 to May 2015, she was a paid administrative assistant at Cunningham, Vogel, and Rost, P.C., in St. Louis, Missouri, where Mr. David Streubel, defense

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counsel for Kirby Cleveland in case No. CR 12-2062 JB, is now a partner. Mr. Streubel's participation in Cleveland's case terminated on April 15, 2013. Ms. Legault did almost entirely administrative work and did very minimal work on legal matters for the Cunningham, Vogel, and Rost, P.C.'s clients, which are local governments in Missouri, Kansas, and Illinois. She had no knowledge of Mr. Streubel's cases from Albuquerque, New Mexico.

This case was assigned to Ms. Legault because she gets all cases in my chambers ending with a terminal digit "5". I have not screened her from the case. I believe that I can be fair and impartial. I see no reason to recuse myself. If anyone objects, or has any questions, we can perhaps have a telephonic conference. Please call my Courtroom Deputy Clerk, Carol Bevel (505-348-2289). I have instructed Ms. Bevel not to tell me who may call.

Best regards,

Sincerely,

James O. Browning
United States District Judge